



PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254
Tom Meyer, Zoning Administrator
Michelle Rush, Assistant Zoning Administrator
Brittney Friederich, Assistant Zoning Administrator

(641) 421-3075
FAX (641) 421-3088
plz@cerrogordo.gov

Staff Report Board of Adjustment Variance Request August 25, 2026

Case No.: 26-08

Hearing Date: August 25, 2026

Request: A variance request to construct a 30'x72' addition & 30'x6' porch on the east side of the existing dwelling with a front yard setback of 28.1' (50' required) and a rear yard setback of 10' (30' required).

Applicants

Anthony Heldorfer
6201 Southshore Dr
Clear Lake, IA 50428

Owners

Same

Property Address: 6201 Southshore Dr, Clear Lake, IA 50428

Brief Legal Description: NW ¼ of Section 25, Clear Lake Township

Zoning: A-1 Agriculture District

Background

The subject parcel is located along Southshore Drive. For zoning purposes, the lot line abutting Southshore Drive is considered the front lot line.

Previous Request: On October 29, 2018, the owner applied for a variance to construct a dwelling measuring approximately 72 feet by 200 feet, including an attached garage, workshop, and an 8-foot-by-40-foot porch. On November 27, 2018, the Board of Adjustment approved the following setbacks for the proposed development:

- A front yard setback of no less than 31.1 feet (50 feet required)
- A rear yard setback of no less than 10 feet (30 feet required)
- East and west side yard setbacks of no less than 12 feet.

The dwelling ultimately constructed was less than the submitted plans measuring approximately 72 feet by 148 feet and complied with the setbacks approved in the variance request in 2018. The project was completed and closed out.

Current Request: On June 26, 2026, the owner applied for a zoning permit to construct a 30-foot-by-72-foot addition & 30-foot by 3-foot porch on the east side of the existing dwelling. The application was denied on July 6, 2026, because the proposed addition would not comply with the 50-foot front yard setback and 30-foot rear yard setback required by Article 7.6 of the Zoning Ordinance. Construction of the proposed addition has not commenced. An amended site plan was received on August 11, 2026, to construct a 30 feet x 6 feet porch on the front of the house to match the 6-foot porch on the west side of the house.

The proposed addition and porch will maintain a front yard setback of no less than 28.1 feet (50 feet is required) and a rear yard setback of no less than 10 feet (30 feet is required). The owner is therefore requesting variances from the current front and rear yard setback requirements.

VARIANCE REQUEST

Structure	Request(s)	Requirement(s)
30'x72' Addition & 30'x6' Porch	28.1-foot front yard setback	50 feet required in Article 7.6
30'x72' Addition & 30'x6' Porch	10-foot rear yard setback	30 feet required in Article 7.6

Findings of Fact

1. Anthony Heldorfer is the owner of the subject property.
2. The property is zoned A-1 Agriculture District.
3. For zoning purposes, Southshore Drive is the front yard lot line.
4. The current structure is 148-feet-by-72-feet – 10,656 square feet in size.
5. The total gross living area in the existing 148x72 structure is 4,100 square feet. The remaining square footage is garage and shop space.
6. The proposed 30'x72' addition with attached 30'x6' porch will be 28.1 feet from the front lot line; 50 feet is required.
7. The proposed 30'x72' addition will be 10 feet from the rear lot line; 30 feet is required.
8. The variance application was filed on July 10, 2026.

ANALYSIS

The requested relief concerns numerical front and rear yard setback requirements. It is therefore an area or dimensional variance governed by Iowa Code § 335.15(4).

The Board of Adjustment is authorized under § 24.4(A)(3) of the Zoning Ordinance to grant a variance when the applicable requirements are satisfied. The property owner bears the burden of establishing each required element.

If the Board grants the variance, it may impose reasonable conditions consistent with the Zoning Ordinance and Comprehensive Plan to address impacts directly related to the requested relief.

Discussion of Standards of Review per Iowa Code Section 335.15(4)

Legal Standard

The requested relief concerns area, dimensional, or other numerical limitations involving sign area and setback requirements. The requests are therefore subject to Iowa Code section 335.15(4).

To receive the requested variances, the property owner must prove that all of the following are met:

1. Granting the variance will not be contrary to the public interest.
2. Owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance.
3. The spirit of the Zoning Ordinance will be observed and substantial justice done.
4. The practical difficulties faced are unique to the property at issue and not self-created; and
5. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.

The applicant bears the burden of proving each required criterion. The Board should make separate findings regarding the sign-area variance and the side-yard setback variance.

1. **Granting the variance will not be contrary to the public interest.**

The proposed addition would encroach 21.9 feet into the required 50-foot front yard and 20 feet into the required 30-foot rear yard. The front and rear setback requirements serve legitimate purposes, including separation from Southshore Drive, roadway safety, open space, drainage, emergency access, and separation from adjoining properties.

Although the existing dwelling was lawfully constructed under the 2018 variance, that approval has been completed and closed. The prior setbacks should not automatically become the permanent development standard for future additions. The applicant must demonstrate that extending the structure within both required yards would not create adverse effects involving roadway safety, drainage, emergency access, utilities, neighboring properties, or the established development pattern.

Conclusion: This criterion may be satisfied only if the applicant demonstrates that the proposed addition will not create adverse public impacts. The completed 2018 variance does not independently establish compliance.

2. **Owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance.**

The property is already developed with a dwelling measuring approximately 72 feet by 148 feet, with an approximate footprint of 10,656 square feet. The existing dwelling provides substantial beneficial residential use of the property.

The proposed addition and porch would add approximately 2,340 square feet and increase the total approximate footprint to 12,996 square feet. Denial would not

prevent the continued residential use of the property or materially impair its existing beneficial use.

Denial of the requested variance would not prevent the continued use of the property as a residence or eliminate the existing beneficial use of the property. The record does not presently demonstrate that the owner is unable to make a beneficial residential use of the property without the proposed addition.

Conclusion: Based on the available record, this criterion does appear to be met. The property already contains a substantial structure exceeding 10,000 square feet with a living space over 4,000 square feet and retains a significant beneficial residential use without the addition.

3. The spirit of the Ordinance is observed, and substantial justice is done by granting the variance.

The proposed addition requires substantial deviations from both the front and rear yard requirements. Approving additional construction within both required yards without proof of a qualifying practical difficulty could effectively convert the setbacks approved for the completed 2018 project into permanent substitute setbacks for all future development.

The spirit of the Ordinance is not observed merely because a prior Board approved similar setbacks for a different and completed project. Substantial justice requires consistent application of the current standards unless special property conditions justify an exception.

Conclusion: Based on the current record, this criterion does not appear to be met. Without evidence of a qualifying practical difficulty or special property condition, granting additional relief from both setback requirements may be inconsistent with the purpose of the setback regulations.

4. The practical difficulties faced are unique to the property at issue and not self-created (e.g., lot shape, topography, prior lawful platting).

Iowa Code § 335.15(4) requires the property owner to prove that the practical difficulties are both unique to the property and not self-created.

The present request results, at least in part, from the owner's decision to construct a 72-foot-by-148-foot dwelling rather than the approximately 72-foot-by-200-foot structure contemplated in 2018, followed by the later desire to expand it. The 2018 project was completed and closed after construction of the smaller structure.

Relevant property conditions may include an unusual lot shape, exceptional topography, drainage limitations, prior lawful platting or another physical characteristic that materially limits conforming development. Personal circumstances, construction

expenses, a preference for a particular design, or a desire for additional space generally do not constitute unique conditions of the property.

The owner chose to construct a 72-foot-by-148-foot building rather than the approximately 72-foot-by-200-foot building presented in the 2018 application. The present request is intended to expand the completed building several years later. The record does not presently identify a physical condition that prevents a reasonable conforming alternative.

Conclusion: Based on the available record, this criterion does not appear to be met. The need for the variance appears primarily connected to the owner's previous construction decision and current expansion plans rather than a demonstrated physical condition unique to the property. Additional evidence would be needed to establish that the practical difficulty results from a unique physical condition of the property and not self-created.

5. *Granting the variance will not significantly alter the essential character of the surrounding neighborhood.*

The addition would increase the approximate building footprint from 10,656 square feet to 12,996 square feet. Because the existing structure is already substantial, the Board should compare its proposed size, mass, setbacks, and appearance with surrounding properties along South Shore Drive.

The abutting properties do not have any development. The applicant should provide evidence addressing neighboring views, building scale, drainage, open space, roadway appearance, and proximity to nearby structures.

Conclusion: The structure does not appear to significantly change the character of the neighborhood based on staff review.

Staff Conclusions

The variance request proposes a new 2,340-square-foot addition to an existing structure with an approximate footprint of 10,656 square feet. The property already possesses a substantial beneficial residential use.

Based on the available record, the applicant has not demonstrated that denial would create practical difficulties in making a beneficial use of the property or that the requested relief results from conditions unique to the property and not self-created.

Unless additional evidence is presented establishing each requirement of Iowa Code section 335.15(4), staff cannot recommend approval of the requested variance.

The record does not appear to show the criteria in Iowa Code Chapter 335.15(4) has been met. Under Iowa law if the Board cannot make affirmative findings on all five statutory criteria, the variance should be denied.

Recommended Conditions if Approved:

1. The variances shall apply only to the construction of the 30'x72' addition & 30'x6' porch as shown in the application materials reviewed by the Board.
2. The new addition and porch shall not exceed 2340 square feet in size, unless a smaller area is achieved during construction.
3. Stormwater, roof drainage, grading, and construction activity shall be managed on the property and shall not be directed onto adjoining properties in a manner that creates a nuisance or drainage impact.
4. Any material change in size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
5. All other applicable zoning, building, sanitation, floodplain, and permitting requirements shall be satisfied before construction.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested variances subject to any conditions as deemed necessary by the Board.
2. Grant relief or different from the requested variances by modifying the requested variances.
3. Deny the requested variance.

The following motions are provided for the Board's consideration:

Provided motion of approval:

- I move to adopt the staff report as the Board's findings and to approve the variances as requested by the applicant, based on the Board's findings that all criteria in Iowa Code Section 335.15(4) have been met, subject to the following conditions:
 1. All construction shall comply with the updated site plan submitted on August 11, 2026.
 2. Any material change in the submitted plans including a change in project size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
 3. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.
 4. Adopt all recommended conditions in the staff report as part of the approval.

Provided Alternate Action:

- I move to adopt the staff report as the Board's findings and to approve a variance with the following changes **(list changes)**.
 1. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.

Provided motion of denial:

- I move to adopt the staff report as the Board's findings and to deny the variances as requested by the applicant for the following reasons:
The request does not meet the criteria in Iowa Code Chapter 335.15 (STATE ANY OTHER REASONS FOR DENIAL)

EXHIBITS

- Exhibit 1: Figures 1-3 photos
- Exhibit 2: Variance Application filed July 10, 2026
- Exhibit 3: Site Plan filed on August 11, 2026
- Exhibit 4: Parcel Highlight

Figure 1
Existing structure from Southshore Dr



Figure 2
Location of proposed addition



Figure 3
Looking north to south along east lot line



VARIANCE APPEAL

APPLICATION

Date Filed 7/10/2026

Date Set for Hearing 8/25/26

Case Number: 26-06

Applicant Name: Anthony Heldorfer Phone: 515-320-1769 E-Mail: tonyheldorfer@hotmail.com

Mailing Address: 6201 S Shore Dr. Clear Lake, IA 50428

Property Owner Name: Anthony Heldorfer Phone: 515-320-1769 E-Mail: tonyheldorfer@hotmail.com

Property Owner Address: 6201 S Shore Dr. Clear Lake, IA 50428

Property Description (Not to be used on legal documents): Parcel # 052510300200 Township Clear Lake

Property Address: 6201 S Shore Dr. Clear Lake, IA 50428 Zoning: A1

Brief Legal Description:

S 250.1' OF E 224.45' GOVT L 1 25-96-22 EXC BEG AT SW COR NW1/4 SEC 25; TH ALG SEC LINE N 00012.5' E 1410.6'; TH N 86024.5' E 1070.6' TO POB; TH N 00012.5' E 93.7'; TH S 89054.5' E 224.0'; TH S 00012.5' W 129.4'; TH S 86024.5' W 224.5'; TH N 00012.5' E 50.1' TO POB

Project Description

Decision Date: _____

Addition of a 30x72 on the side the existing dwelling. There is a porch on the front, to match the other end of the building to look aesthetically proportioned.

Variance(s) Requested (As cited on results from denied Zoning Permit Application)

Requesting a front setback of 31.1' and a rear setback of 10'

Answer the five (5) Criteria Justifying the Variance under Standards for Review (You may add more details in the Additional Information)

I am the ☒ Owner ☐ Contract Purchaser ☐ Other (Explain) _____
_____ of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a variance is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature 

Date 7/10/26

VARIANCE APPEAL

ADDITIONAL INFORMATION

Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the variance requested.

STANDARDS FOR REVIEW

It is the applicant's responsibility to prove to the Board of Adjustment that the appeal meets the standards for review of the Ordinance. All variance requests will be reviewed under the following hardship standards. Per Iowa Code Section 335.15(4) along with the completed Variance Appeal Application below, you must provide an answer for the 5 questions below:

1. Not granting the variance would be contrary to the public interest.

Public Interest: Granting the variance is not contrary to the public interest.

The neighboring property is State owned DNR property consisting of trees and shrubs. The proposed addition would not diminish or affect the neighboring properties. This addition doesn't create any public health or safety concerns.

2. Not granting the variance would cause "practical difficulties" for the property owner trying to make a beneficial use of the property allowed by the Zoning Ordinance.

The property is small in size for an A1 property. The front property line is at an angle as it follows the road. A1 zoning allows for Home occupation/home industry. This addition would allow more space for supporting home occupation/home industry as well as farm repairs. Not granting the variance would cause practical difficulties as it would keep from trying to use the property to its potential.

3. The spirit of the Ordinance is observed, and substantial justice is done by granting the variance.

In the fall of 2018 the Board approved a variance of the east and west side of the property of no closer than 12', front of no closer than 31.1' and rear of 10'. At the time, building costs restricted me from building my original building plan to the full size approved. The proposed addition meets the side set back without a variance. The front and rear setbacks would not go any closer than the current building setbacks and the 2018 approved setback of 31.1' in the front and 10' in the rear. I believe the spirit of the Ordinance is observed by approving this variance.

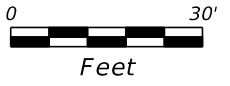
4. The difficulties are unique to the property and not self-created (e.g., lot shape, topography, prior lawful platting).

The property is unique as it is a small property for A1 and the size of building is not out of the ordinary for being place in agriculture. If the lot size was normal for an A1 property, the addition would meet the zoning requirements.

5. The variance will not significantly alter the essential character of the surrounding neighborhood.

I believe the variance would not alter the character of the surrounding neighborhood as the property is surrounded by DNR property that is overgrown with trees and bushes which provides a barrier from seeing the addition.

In addition to the variance standards above, the applicant must address any potential impacts to neighbors and the general area around the property, as the Board of Adjustment reserves the right to establish certain conditions upon any variance granted to mitigate potential impacts. The applicant should address such potential impacts as encroachment to neighbors, dust, drainage, glare, traffic, odors, noise, safety, or other potential impacts that may be caused as a direct result from the requested variance being granted.



05-25-102-001

05-25-126-002

SOUTHSHORE DR

49.97

50.1

112.75

126.77

05-25-151-005

05-25-103-002

103

225.06

224.67

176.87

4